

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CWB SERVICES, LLC, et al.,

Defendants.

CASE NO. _____

**PLAINTIFF'S SUGGESTION OF TEMPORARY RECEIVER
(FILED UNDER SEAL)**

Plaintiff, the Federal Trade Commission ("FTC"), respectfully submits for consideration as a temporary receiver for the corporate Defendants in this action Larry E. Cook, of Cook Receiver Services in Lenexa, Kansas. Mr. Cook has the necessary qualifications and experience to serve as a temporary receiver in this matter and has expressed a willingness to do so.

Mr. Cook has 10 years of experience handling complex cases. He has been appointed as a receiver by U.S. District Courts in Kansas, Nevada, and California. He is well versed in the duties and responsibilities expected of a court-appointed receiver, and has a wealth of experience as a financial fraud investigator. He has served as the court-appointed receiver in several instances over companies engaged in multi-million dollar investment fraud schemes prosecuted by the U.S. Securities and Exchange Commission. *See, e.g., SEC v. Capital Enhancement Club,*

No. 5:05-cv-4057 (D. Kan. 2005). In many of these cases, he was able to recover significant assets for the benefit of defrauded investors. He has also served as an effective court-appointed receiver in an FTC law enforcement action against companies who operated a fraudulent scheme promising government grants. *FTC v. Affiliate Strategies, Inc.*, No. 5:09-cv-4104 (D. Kan. 2009).

Mr. Cook and the professionals whose services he engages with offer their services at a competitive rate. Mr. Cook's hourly rate is \$260, the rate for his examiners is \$150, and his assistant's rate is \$130. If appointed, Mr. Cook has indicated he would be represented by Lathrop & Gage LLP. The hourly rate for partner Brian Holland is \$380, and the rates for paralegals and associates range from \$190 to \$225. These rates reflect a discount for government actions. Lathrop & Gage would waive charges for telephone, facsimile, or computerized legal research, and charge only actual costs for photocopies. Mr. Cook and Lathrop & Gage have offices in the Kansas City area, which would reduce travel costs. If needed, Mr. Cook would engage the services of accountants from TMPitman & Associates, LLC, whose hourly rates range from \$75 to \$150.

For the reasons set forth above, the FTC respectfully submits this recommendation of Mr. Cook as a temporary receiver in this action. Mr. Cook's curriculum vitae is appended hereto as Attachment A.

Respectfully submitted,

JONATHAN E. NUECHTERLEIN
General Counsel

Dated: September 8, 2014

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Dated: September 8, 2014

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